

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1028 – SB 949

March 5, 2018

SUMMARY OF ORIGINAL BILL: Broadens the class C misdemeanor offense of displaying, exhibiting, handling, or using a poisonous or dangerous snake or reptile to include insects.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (013351, 014301): Amendment 013351 deletes all language after the enacting clause and rewrites the proposed legislation.

Establishes a uniform maximum fine of \$15,000 for assaults under Tenn. Code Ann. § 39-13-101(a)(1), rather than a higher fine for assaults committed against law enforcement officers and health care providers.

Repeals class A misdemeanor of aggravated assault for causing physical injury to any public employee or employee of a transportation system.

Amendment 014301 deletes “department of correction” from Tenn. Code Ann. § 39-13-101(b)(2) and replaces with “managing authority of the institution”, which would require any assault committed against a full-time employee of a private prison contractor to be reported to the contractor.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Decrease Local Expenditures – \$28,400 Incarceration

Assumptions for the bill as amended:

- Statistics from the Administrative Office of the Courts show an average of 14.8 convictions for class A misdemeanor violations of Tenn. Code Ann. § 39-13-102. These statistics represent convictions at the state court level. It is assumed that only 10 percent of misdemeanor convictions are at the state court level. It is assumed that there are a

total of 148 convictions (14.8×10) per year for class A misdemeanor violations of Tenn. Code Ann. § 39-13-102.

- Approximately 10 percent ($148 \times 0.1 = 14.8$), or 15 convictions, result in the offender serving a period of confinement. The average time served for a class A misdemeanor is assumed to equal 30 days.
- The estimated 2018 cost per inmate per day for local jails is \$63.00.
- The proposed legislation will decrease local incarceration costs by \$28,350 ($15 \text{ convictions} \times 30 \text{ days} \times \63 per day).
- The proposed legislation increases the maximum fine to \$5,000 for assaults committed intentionally or knowingly and to \$15,000 for all aggravated assaults.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. There will not be a significant increase in state or local revenue as a result of increasing the maximum fines for these offenses.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee".

Krista M. Lee, Executive Director

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